



10/519738  
PCT 2003 / 002716

28 DEC 2004



INVESTOR IN PEOPLE

The Patent Office  
Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

## PRIORITY DOCUMENT

SUBMITTED OR TRANSMITTED IN  
COMPLIANCE WITH RULE 17.1(a) OR (b)

REC'D 18 AUG 2003

WIPO

PCT

I, the undersigned, being an officer duly authorised in accordance with Section 74(1) and (4) of the Deregulation & Contracting Out Act 1994, to sign and issue certificates on behalf of the Comptroller-General, hereby certify that annexed hereto is a true copy of the documents as originally filed in connection with the patent application identified therein.

In accordance with the Patents (Companies Re-registration) Rules 1982, if a company named in this certificate and any accompanying documents has re-registered under the Companies Act 1980 with the same name as that with which it was registered immediately before re-registration save for the substitution as, or inclusion as, the last part of the name of the words "public limited company" or their equivalents in Welsh, references to the name of the company in this certificate and any accompanying documents shall be treated as references to the name with which it is so re-registered.

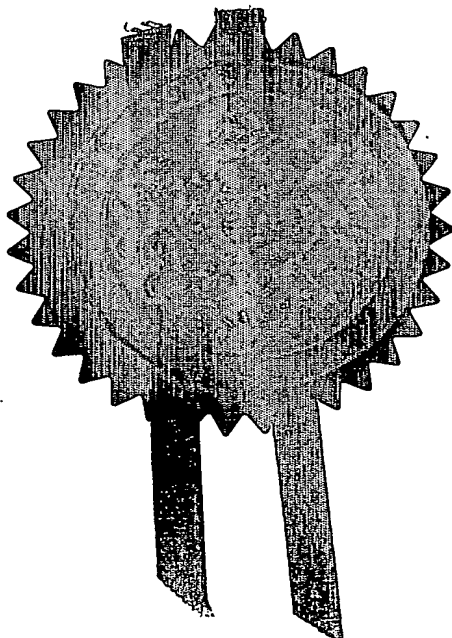
In accordance with the rules, the words "public limited company" may be replaced by p.l.c., plc, P.L.C. or PLC.

Re-registration under the Companies Act does not constitute a new legal entity but merely subjects the company to certain additional company law rules.

Signed

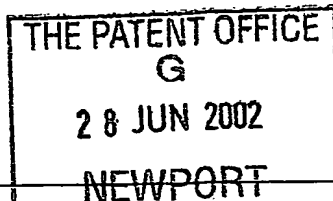
Dated

*P. Mahoney*  
11 July 2003



# Request for grant of a patent

(See the notes on the back of this form. You can also get an explanatory leaflet from the Patent Office to help you fill in this form)



The Patent Office

Cardiff Road  
Newport  
Gwent NP9 1RH

1. Your reference

IPD/P1317

2. Patent application number

(The Patent Office will fill in this part)

28 JUN 02

0214947.4

3. Full name, address and postcode of the or of each applicant (underline all surnames)

THE SECRETARY OF STATE FOR DEFENCE  
DSTL  
Porton Down  
Salisbury  
Wiltshire. SP4 0JQ. UK

Patents ADP number (if you know it)

If the applicant is a corporate body, give the country/state of its incorporation

GB

699670005

4. Title of the invention

Assay

5. Name of your agent (if you have one)

Skelton, Stephen Richard

"Address for service" in the United Kingdom to which all correspondence should be sent (including the postcode)

D/IPR Formalities Section  
Poplar 2  
MoD Abbey Wood #2218  
Bristol  
BS34 8JH

7727108002

Patents ADP number (if you know it)

6. If you are declaring priority from one or more earlier patent applications, give the country and the date of filing of the or of each of these earlier applications and (if you know it) the or each application number

Country

Priority application number  
(if you know it)

Date of filing  
(day / month / year)

7. If this application is divided or otherwise derived from an earlier UK application, give the number and the filing date of the earlier application

Number or earlier application

Date of filing  
(day / month / year)

8. Is a statement of inventorship and of right to grant of a patent required in support of this request? (Answer 'Yes' if:

Yes

- a) any applicant named in part 3 is not an inventor, or
- b) there is an inventor who is not named as an applicant, or
- c) any named applicant is a corporate body. See note (d))

**Patents Form 1/77**

9. Enter the number of sheets for any of the following items you are filing with this form.  
Do not count copies of the same document

Continuation sheets of this form

Description 9

Claim(s) 3

Abstract 1

Drawing(s)

10. If you are also filing any of the following, state how many against each item.

Priority documents

Translations of priority documents

Statement of inventorship and right to grant of a patent (*Patents Form 7/77*)

Request for preliminary examination 1 and search (*Patents Form 9/77*)

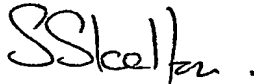
Request for substantive examination (*Patents Form 10/77*)

Any other documents  
(please specify)

11. I / We request the grant of a patent on the basis of this application.

Signature

SR SKELTON



Date 27/6/02

12. Name and daytime telephone number of person to contact in the United Kingdom Mrs JM Northcott 0117 91 32860

**Warning**

*After an application for a patent has been filed, the Comptroller of the Patent Office will consider whether publication or communication of the invention should be prohibited or restricted under Section 22 of the Patents Act 1977. You will be informed if it is necessary to prohibit or restrict your invention in this way. Furthermore, if you live in the United Kingdom, Section 23 of the Patents Act 1977 stops you from applying for a patent abroad without first getting written permission from the Patent Office unless an application has been filed at least 6 weeks beforehand in the United Kingdom for a patent of the same invention and either no direction prohibiting publication or communication has been given, or any such direction has been revoked.*

**Notes**

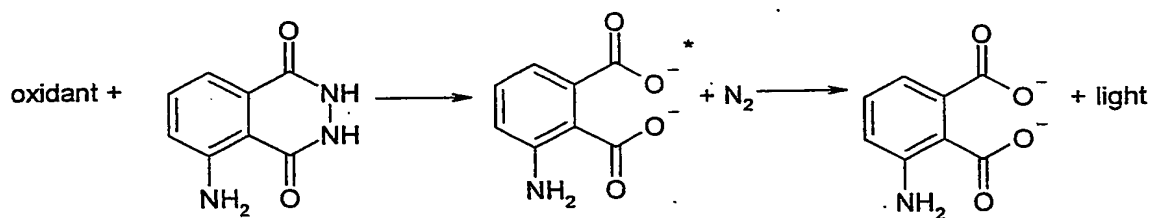
- 1) If you need help to fill in this form or have any questions, please contact the Patent Office on 0645 500505.
  - 2) Write your answers in capital letters using black ink or you may type them.
  - 3) If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s). Any continuation sheet should be attached to this form.
  - 4) If you have attached 'Yes' Patents Form 7/77 will need to be filed.
  - 5) Once you have filled in the form you must remember to sign and date it.
- For details of the fee and ways to pay please contact the Patent Office.

### Assay

The present invention relates to an assay method, in particular an assay for detecting an analyte containing a haem moiety within a sample.

The haem group is a prosthetic group associated with certain cellular proteins. It is built around an atom of iron, and it is conveniently detected using a light emitting luminol chemiluminescent reaction.

In this reaction, luminol (3-aminophthalazide), or a functional chemiluminescent derivative thereof, is oxidised by an oxidant in a basic aqueous solution to generate a light emitting species (3-aminophthalate) as illustrated.



The reaction is catalysed by metal cations, in particular, the "organic" iron, present in haem molecules, to increase light emission or to increase the speed of oxidation of luminol to the light emitting species and therefore the onset or intensity of light production.

It may be used therefore in assays for the haem molecule. Functional chemiluminescent derivatives of luminol are known in the art.

However, the reaction may be highly sensitive to a variety of contaminants, and therefore separation of analyte from the source of possible contaminants is highly desirable. In particular, inorganic iron can also initiate this light emitting reaction. It has been

reported for example, that Fe(III) interferes positively with the reaction at some concentrations and negatively at others, whilst Fe(II) shows significant positive interference (Yuan J, et al., Anal. Chem. 1999, 71, 1975-1980).

5

Consequently, it is generally recognised that the inorganic iron contaminants are particularly undesirable in a solution that is being tested in this way and could lead to false positive or negative results.

10

Magnetic bead separation is a particularly useful way of concentrating analytes within a sample. Specific binding partners for a particular analyte may be immobilised on the ferromagnetic beads, which are then contacted with a sample suspected of containing the analyte. Analyte becomes bound to the beads, which may then be separated from the bulk sample using magnetic separation methods, to attract the ferromagnetic beads. Once separated, analyte can be released from the beads in a more concentrated form, and detected.

15

However the conditions required to release a haem moiety from the analyte-bead complex is generally chemically quite stringent, and it is expected that these would be accompanied by extraction of at least some inorganic iron from the beads.

20

Such separation methods therefore are contraindicated for use in the luminol reaction, since the contamination risk from inorganic iron is significantly higher.

25

The applicants have found however, that this combination can be successfully carried out.

30

According to the present invention there is provided a method for detecting an analyte containing or labelled with a haem moiety within a sample, said method comprising:

- a) contacting said sample with a magnetic bead having immobilised thereon a specific binding partner for said analyte and allowing analyte to bind to said specific binding partner;
- b) separating the magnetic beads from the sample, and if necessary, labelling the immobilised analyte with a haem containing label;
- c) resuspending the beads and subjecting them to alkaline conditions sufficient to release haem moieties therefrom but not to extract inorganic iron from the beads;
- d) detecting released haem moieties using a luminol chemiluminescent assay procedure.

- 15 In particular, step (c) is conducted within a pH range of from 12.5-13.5. This is suitably achieved using a buffer.

The applicants have found that step (d) may be carried out directly on the bead suspension. The nature of the light emitted is so strong, that the presence of the beads does not detract from the signalling process. However, if desired, after step (c), the magnetic beads can be separated, and step (d) is carried out on supernatant remaining.

- 25 Suitably the beads are subjected to one or more washing steps between step (b) and step (c). In these, the magnetic beads are resuspended in a washing solution, and thereafter, separated from the washing solution.

- 30 Resuspension of beads during these washing steps, as well as during step (c) may be carried out using conventional methods, such as by using a whirlimixer, but is preferably carried out using relatively

gentle methods such as pipetting, in order to minimise loss of bound material from the beads.

5 The method of the invention is particularly suitable for the detection of analytes such as spores, such as BG spores, which may be more difficult to detect using other assay methods, because of the relative difficulty of accessing cellular materials, in particular proteins such as enzymes.

10 Alternatively, where the target analyte does not contain a haem moiety, it may be labelled with a haem containing second specific binding partner such as an antibody. Some enzymatic labels commonly used in immunoassays, such as horse radish peroxidase (HRP) contain a haem prosthetic group. Using the method of the invention, a non-haem  
15 containing analyte may be a protein or peptide which is bound to an antibody coated bead. After initial capture, an HRP labelled antibody is to the separated beads after step (b) to introduce a haem label onto any immobilised analyte. It is then necessary to separate and resuspend the beads, optionally with a washing step between steps (b)  
20 and (c). In this embodiment, the haem moiety is extracted from the antibody which forms a "sandwich" with any analyte immobilised on the beads.

Suitably, in step (d), luminol is incubated with the released haem  
25 moieties in the alkaline conditions of the buffer, and thereafter, oxidant added in a sufficient quantity to generate the signal. Suitable oxidants include those known in the art, including peroxides, such as hydrogen peroxide, perborate, permanganate or hypochlorite salts, for example of alkali metals such as sodium or  
30 potassium, or iodine. Preferably the oxidant used is a perborate, and in particular, sodium perborate. Another preferred oxidant is hydrogen peroxide.

Immobilisation of specific binding partners such as antibodies or binding fragments thereof, onto the magnetic beads may be carried out using any of the conventional procedures. Step (a) is suitably carried out by incubating the coated beads with a solution of the sample for a sufficient period of time, and at a suitable temperature, for example at about 37°C, to allow good capture of the analyte by the specific binding partner.

Suitably, the concentration of magnetic beads used is sufficient to ensure good capture efficiency of the analyte. Thus the concentration of beads used is suitably in the range of from about  $1 \times 10^4$  bead.ml<sup>-1</sup> to  $1 \times 10^8$  beads.ml<sup>-1</sup>.

Similarly, the amount of liquid added during the resuspension in step (c) is kept low in order to provide improved concentration factors.

The method of the invention has been found to have very good sensitivity, in particular for spores as analytes. Furthermore, the strength of the signal obtainable in this way means that no amplification step is required, so it provides a very rapid assay. In addition, it may be detected by a wide range of detectors, including photodiodes.

Reagent costs for this assay are very low compared to say bioluminescent assay systems.

Furthermore, by coupling the assay to the IMS capture, the inherent susceptibility of the chemiluminescent assay to interferents is reduced.

The invention further provides a kit for carrying out the method of the invention. In particular the kit will comprise magnetic beads and luminol, or functional chemiluminescent derivatives thereof.



Suitably, the magnetic beads are coated with a specific binding partner for an analyte. Particular examples of specific binding partners include antibodies or binding fragments thereof.

- 5 The kit may further comprise a buffer for use in the reaction steps, and in particular a buffer having a pH within the range of from 12.5-13.5.

10 In addition, the kit may further comprises an oxidant for luminol as described above, and in particular, sodium perborate.

As described hereinafter, Dynal tosylated beads were coated with CBD rabbit anti-BG antibody and used to capture *Bacillus globigii* spores. A chemiluminescent assay end point was successfully used as an  
15 alternative to those that produce a bioluminescent signal.

Surprisingly, initial tests on "naked" beads indicated that un-coated beads did not give significant blank readings with the chemiluminescent assay. Later tests with antibody coated beads did  
20 produce higher readings than the blank measurements (re-suspension buffer). It was found that the background signals were not prohibitively high, even when doing the assay in a PMT based luminometer which is generally regarded as being over-sensitive for chemiluminescence work.

25 The invention will now be particularly described by way of example.

#### Example

#### Method and materials

#### 30 Instrumentation

All luminometric measurements were made in a TL Plus Luminometer from Thermo Life Sciences (Basingstoke, UK), using 3.5mL polystyrene tubes

obtained from Biotrace (Bridgend, UK). 1-second delay interval and 1 second measurement duration was used in all measurements.

#### Reagents

Luminol was obtained from Fluka (Poole, UK), EDTA and sodium perborate was obtained from BDH (Poole, UK), sodium hydroxide, phosphate buffer, tris buffer, PBS Tween buffer were obtained from Sigma (Poole, UK). Sterile distilled water and sterile phosphate buffered saline were obtained from Gibco (Paisley, UK). Tryptone soya agar plates were obtained from Oxoid (Basingstoke, UK). 280µm tosyl and epoxy activated paramagnetic beads were obtained from Dynal (UK) Ltd (Wirrall, UK). Rabbit anti-BG polyclonal antibodies and rabbit anti-*E coli* polyclonal antibodies were obtained from Dstl Detection & Diagnostics antibody group.

A stock solution of alkaline luminol (100g sodium hydroxide, 37.5g EDTA, 5g luminol dissolved in 1 litre of sterile distilled water) was prepared and kept in a (light proof) container at 4°C. Working solution of alkaline luminol was prepared by diluting 8ml of the above to 100ml with water. Sodium perborate solution was prepared by dissolving 1g of sodium perborate and 0.1g EDTA in 100ml of sterile distilled water.

Paramagnetic beads were coated using the manufacturers' coating procedures. Antibody conjugation to the tosylactivated beads was performed in Buffer A (100mM sodium phosphate buffer, pH 7.4). Conjugation was performed for 24 hours at 37°C using a Dynal mixing wheel.

#### Immunomagnetic separation

A 10-fold dilution series in PBS was prepared from stock BG spore suspension at a concentration of  $1.0 \times 10^{11}$  cfu.ml<sup>-1</sup>. 1000µl of the test dilution was dispensed into sterile eppendorfs. Anti-BG coated magnetic beads were added to each sample to give a final

concentration of  $\sim 1.0 \times 10^7$  beads. $\text{ml}^{-1}$ . Anti-E coli coated magnetic beads were added to duplicate samples as a control. The samples were incubated at  $37^\circ\text{C}$  for 10 minutes on a Dynal mixing wheel (18 rpm).

- 5 On removal from the mixing wheel the samples were placed into a Dynal Magnetic Particle Concentrator (MPC) and the magnet was applied. After 2 minutes the unbound supernatant was removed (and retained for plate count assays) after which the magnet was removed from the rack.
- 10 The beads were then resuspended by the gentle addition of 1000 $\mu\text{l}$  of PBS or PBS containing 0.05 % Tween 20. The magnet was applied to the rack and after 2 minutes the unbound supernatant was removed and discarded.
- 15 The magnet was then removed from the rack and the beads were resuspended in 1000 $\mu\text{l}$  PBS, although the final resuspension volume was varied depending on the final assay requirements.

#### Assay

- 20 100 $\mu\text{l}$  aliquots of the bead suspensions resulting from the immunomagnetic separation protocol were removed and placed into 3.5mL polystyrene tubes. 100 $\mu\text{l}$  of the working luminol solution were added to the sample and were incubated (at room temperature) for 1 minute. 100 $\mu\text{l}$  of sodium perborate solution were added and the light generated
- 25 by the reaction was immediately measured in the luminometer.

#### Plate counts

- Bacterial CFU counts on the samples, were performed by plating out 100 $\mu\text{L}$  of the sample on to tryptone soya agar plates in triplicate and
- 30 incubating these for 24 hours at  $37^\circ\text{C}$  before counting.

Using the combination of an immuno-magnetic capture and separation with a chemiluminescent endpoint assay, a specific detection limit of  $6.0E+06$  cfu/ml unwashed BG spore was demonstrated.

## Claims

1. A method for detecting an analyte containing or labelled with a haem moiety within a sample, said method comprising:
  - 5 a) contacting said sample with a magnetic bead having immobilised thereon a specific binding partner for said analyte and allowing analyte to bind to said specific binding partner;
  - b) separating the magnetic beads from the sample, and if necessary, labelling the immobilised analyte with a haem containing label;
  - 10 c) resuspending the beads and subjecting them to alkaline conditions sufficient to release haem moieties therefrom but not to extract inorganic iron from the beads;
  - d) detecting released haem moieties using a luminol chemiluminescent assay procedure.
- 15 2. A method according to claim 1 wherein in step (c) is conducted within a pH range of from 12.5-13.5.
3. A method according to claim 1 or claim 2 wherein step (d) is  
20 carried out directly on the bead suspension.
4. A method according to claim 1 or claim 2 wherein after step (c), the magnetic beads are separated, and step (d) is carried out on supernatant remaining.
- 25 5. A method according to any one of the preceding claims wherein between step (b) and step (c), the magnetic beads are resuspended in a washing solution, and thereafter, separated from the washing solution.
- 30 6. A method according to any one of the preceding claims wherein the analyte is a spore.

7. A method according to claim 6 wherein the analyte is a *Bacillus* spore.

8. A method according to any one of claims 1 to 5 wherein the  
5 analyte is labelled with a haem containing moiety.

9. A method according to claim 8 wherein said haem containing moiety is a horseradish peroxidase labelled antibody specific for an analyte.

10  
10. A method according to any one of the preceding claims wherein in step (d) luminol is incubated with the released haem moieties, and thereafter, oxidant added to generate the signal.

15 11. A method according to claim 8 wherein the oxidant is sodium perborate or hydrogen peroxide.

12. A method according to any one of the preceding claims wherein the specific binding partner for the analyte is an antibody or  
20 binding fragment thereof.

13. A kit for use in a method according to claim 1, said kit comprising magnetic beads and luminol or functional chemiluminescent derivatives thereof.

25 14. A kit according to claim 13 wherein said magnetic beads are coated with a specific binding partner for an analyte.

15. A kit according to claim 14 wherein said specific binding  
30 partner is an antibody.

16. A kit according to any one of claims 13 to 15 which further comprises a buffer have a pH within the range of from 12.5-13.5.

17. A kit according to any one of claims 13 to 16 which further comprises an oxidant for luminol.

5 18. A kit according to claim 17 wherein the oxidant is sodium perborate or hydrogen peroxide.

19. A method according to claim 1 substantially as hereinbefore described with reference to the Example.

## Abstract

Assay

- 5 A method for detecting an analyte containing or labelled with a haem moiety within a sample, said method comprising:
- a) contacting said sample with a magnetic bead having immobilised thereon a specific binding partner for said analyte and allowing analyte to bind to said specific binding partner;
  - 10 b) separating the magnetic beads from the sample, and if necessary, labelling the immobilised analyte with a haem containing label;
  - c) resuspending the beads and subjecting them to alkaline conditions sufficient to release haem moieties therefrom but not to extract inorganic iron from the beads;
  - 15 d) detecting released haem moieties using a luminol chemiluminescent assay procedure.